

Docket No. CITI-PAU.43

IFW

Patent Application

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ammon Yariv

Serial No.: 10/763,541

Filed: January 23, 2004

Title: TRAVERSE BRAGG RESONANCE  
LASERS AND AMPLIFIERS AND  
METHOD OF OPERATING THE  
SAME

Examiner: John D. Lee

Art Unit: 2874

**Response to Notice Regarding Drawings**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice mailed April 25, 2005, please consider the following remarks.

Objections are made to Figs. 6 and 7. However, formal versions of Figs. 6 and 7 were submitted on June 28, 2004 and were accepted in a Notice of Allowability on Jan. 21, 2005 by the Examiner, a copy of which Notice of Allowability is attached as Exhibit 1. An additional copy of the formal drawings of Figs. 6 and 7 is attached as Exhibit 2.

The sketches, which included inter alia Figs. 6 and 7, in the amendment of Nov. 19, 2004 were only illustrations in support of the argument made in the remarks. A

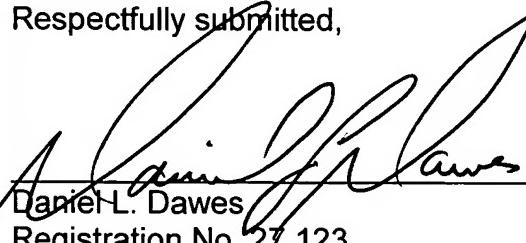
review of that amendment will clearly show that no amendment to the drawings was made or proposed.

The applicant respectfully requests the Notice Regarding Drawings be reconsidered.

The Director is hereby authorized to charge and fees to Deposit Account No. 01-1960.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on  
Date: May 25, 2005  
by: John Breen  
John Breen  
Signature  
Date: 5/25/2005

Respectfully submitted,

  
Daniel L. Dawes  
Registration No. 27,123  
Myers Dawes Andras & Sherman LLP  
19900 MacArthur Boulevard, Suite 1150  
Irvine, CA 92612  
(949) 223-9600



## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,541	01/23/2004	Amnon Yariv	CIT.PAU.43	7499
7590	01/21/2005		EXAMINER LEE, JOHN D	
Daniel L. Dawes Myers Dawes Andras & Sherman LLP 11th Floor 19900 MacArthur Boulevard Irvine, CA 92612			ART UNIT 2874	PAPER NUMBER
DATE MAILED: 01/21/2005				

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Docket Date: 1-26-05  
Due Date: 4-21-05  
6 Month Date: \_\_\_\_\_  
Initials: M



## Notice of Allowability

Application No.

10/763,541

Examiner

John D. Lee

Applicant(s)

YARIV, AMNON

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment submitted on November 16, 2004.

2.  The allowed claim(s) is/are 1-21.

3.  The drawings filed on 28 June 2004 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

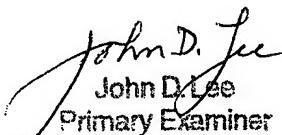
(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_

  
John D. Lee  
Primary Examiner

### **EXAMINER'S AMENDMENT**

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 12, last line, the word "waveguide"  
has been inserted after "resonance";

This minor change was made in order to correct a transcription error and to provide precise antecedent agreement in the claim. Such minor changes do not require consultation with applicant or applicant's representative (MPEP § 1302.04).

### **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

The following is an Examiner's Statement of Reasons for Allowance: After careful scrutiny of U.S. Patent 6,201,825 (Sakurai et al) and the claims of the present application, the Examiner agrees that the Patent does not teach or suggest the Bragg resonance waveguide semiconductor optical device which is claimed herein. The Examiner agrees with the analysis of Sakurai et al presented on pages 7-11 of applicant's November 16, 2004, amendment, and particularly agrees that the distinguishing features include (i) waveguiding channels in the claimed invention but not in Sakurai et al, and (ii) providing gain by pumping the transverse Bragg resonance waveguide in the claimed invention but not in Sakurai et al. Also, after careful scrutiny of U.S. Patent 6,061,381 (Adams et al) and the claims of the present application, the

Examiner agrees that the Patent does not teach or suggest the Bragg resonance waveguide semiconductor optical device which is claimed herein. The Examiner finds that Adams et al fails to disclose or suggest providing gain by pumping the transverse Bragg resonance waveguide. After an updated search of the prior art, no additional relevant prior art documents have been found. Claims 1-21 herein are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning the merits of this communication should be directed to Examiner John D. Lee at telephone number (571) 272-2351. The Examiner's normal work schedule is Tuesday through Friday, 6:30 AM to 5:00 PM. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562, to the technical support staff supervisor (Team 8) at telephone number (571) 272-1564, or to the Technology Center 2800 Customer Service Office at telephone number (571) 272-1626.

*John D. Lee*  
John D. Lee  
Primary Patent Examiner  
Group Art Unit 2874

# **EXHIBIT 2**